

**OFFICE OF THE MAYOR****CITY OF CHICAGO****August 20, 2008****RICHARD M. DALEY**
MAYOR

The Honorable Chet Culver
Governor, State of Iowa
1007 East Grand Avenue
Des Moines, Iowa 50319

Dear Governor Culver:

As Mayor and on behalf of the City of Chicago, I write to urge you to pardon former Chicago Police Officer Michael Mette.

Currently serving a five-year prison term in your state, Mr. Mette was arrested and sentenced for an October 2005 incident in Dubuque that he did little or nothing to provoke. Mr. Mette's response to the physical assault he experienced was not pre-meditated, but merely a matter of self-defense in reaction to a very real threat.

In spite of these mitigating circumstances, Mr. Mette has been denied a chance for a parole hearing or even the opportunity to serve time on work release. This harsh treatment is out of proportion to the harm that the plaintiff sustained, and represents a great injustice for a young man who has served in law enforcement with distinction, pride and dedication.

Mr. Mette is a young man who deserves to be treated fairly. I thank you in advance for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard M. Daley".

Mayor



**OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS**

**RICHARD A. DEVINE
STATE'S ATTORNEY**

**CRIMINAL PROSECUTIONS BUREAU
2650 SOUTH CALIFORNIA AVENUE
CHICAGO, ILLINOIS 60608**

12-10-2007

James C. Larew
General Counsel
State Capitol
Des Moines, Iowa 50319

Dear James:

You responded to all the letters Governor Chet Culver received regarding the case of Michael Mette with the typical political blow off letter. You never bothered to answer any of the specific questions everyone has regarding this case and the malicious actions of the Judge and District Attorney in Dubuque.

You stated the Governor has limited influence in legal matters but you failed to mention, according to your very own Kristin Hardt, the governor has the power to commute or pardon persons convicted of crimes in Iowa. Also I find it difficult to believe the governor wouldn't hand this serious matter off to someone to look into if he is too busy pardoning turkeys to do it himself.

DA Gallagher used phony injuries, testimonies that changed from the police reports, to the depositions and again at the trial to frame Michael Mette in this matter. DA Gallagher knew four days after the incident there were no serious injuries suffered by Jacob Gothard and almost a month before Gallagher went and filled the information charging Michael with this particular crime with the mandatory jail time. All this was done because of the political influence of Jacob's father, Curtis Gothard.

I have been in law enforcement for over forty-one years and have never seen anything as corrupt as the proceedings of this trial. I currently work with about one hundred judges and over eight hundred prosecutors and have shown many of them Judge Ackley's ruling in this case. Usually I can show something to ten attorneys and I may get ten different opinions but in this case not one judge or attorney said anything but "there's something terribly wrong in Judge Ackley's Dubuque court."

For the Governor of your state not to at least have someone look into this matter says only that he too is also influenced by the powers throwing their weight around the courts in Dubuque.

Robert F. Mette

August 1, 2008

The Honorable Chet Culver
Governor of Iowa
1007 East Grand Avenue
Des Moines, Iowa 50319

Dear Governor Culver,

Please accept this letter on behalf of former Chicago Police Officer Michael Mette, who is currently serving a five-year prison term in the State of Iowa.

Since February of this year, I have served as Superintendent of the Chicago Police Department. Prior to that time, I spent 23 years as a career Special Agent with the Federal Bureau of Investigations. Although Officer Mette reported to Iowa to serve his sentence prior to me being sworn in as Superintendent, after careful review of the facts associated with Officer Mette's case, I am compelled to write this letter.

There is no doubt in my mind that based on District Court Judge Monica Ackley's opinion, the history of those involved and the injuries sustained, it is clear Michael Mette should be released. Accordingly, I am respectfully requesting that you review the facts yourself. Once you are aware of the full record in this case, I am certain that you will agree that this young man should not be in prison.

Michael Mette served honorably and with distinction as a Chicago Police Officer. As a member of the Chicago Police Department, Michael risked his life to serve the people of Chicago. He is a devoted son, brother and an inspiration to those who know him and work with him. Please pardon Michael and allow him to live his life with the strong and well deserved support of his family, friends and fellow officers.

Should you have any questions, please do not hesitate to call. Thank you in advance for your time and consideration in this important matter.

Sincerely,

Jody P. Weis
Superintendent of Police



FRATERNAL ORDER OF POLICE

CHICAGO LODGE #7

1412 WEST WASHINGTON BOULEVARI • CHICAGO, ILLINOIS 60607-1821
PHONE: 312-733-7776 • FAX: 312-733-1367

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July 17, 2008

Governor Chet Culver
State Capitol
Des Moines, IA 50319

Dear Governor Culver:

The purpose of this letter is to inform you of the horrible miscarriage of justice which occurred when a Chicago Police Officer, Michael Mette, was convicted and sentenced to five years in prison by the court in Dubuque, IA. It has come to my understanding that you have consistently supported the efforts of law enforcement and it is for that reason I write to you today. I am confident that after reviewing the undisputed facts which led to Mike's arrest and conviction, there is no doubt that you will come to the conclusion that Mike Mette does not belong in prison. Everyone that has taken an objective look at this case has reached the same conclusion. We are hopeful the Iowa Appellate Court will as well. Until such time, Mike continues to serve as a prisoner at North Central Correctional Center in Rockwell City, IA.

The following facts are undisputed:

- Michael Mette was in Dubuque, Iowa the night of October 8, 2005, celebrating his brother Marc's 25th birthday.
- The Mette brothers and four friends went to a party on Race Street, approximately one block from Marc's apartment, in the early morning hours.
- Nick Boyd and Jake Gothard were the only people inside. They told the group they would have to pay \$5 for a cup to drink beer. The group said no and left.
- Gothard started making offensive statements toward the group and an argument broke out and Jake stated that he was going to call the police. One of the six, not Mike, said that was unnecessary, grabbed Gothard's cell phone, and placed it in the mailbox while they were leaving the house.

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- The group headed toward Marc's apartment. Boyd and Gothard apparently thought the group still had Jake's phone. Boyd and Gothard came running at the group in a threatening manner.
- Boyd yelled that he was going to "beat the shit" out of them.
- Boyd headed toward Chris Tanner, one of the six with Mike, who was standing in the road by his car. Marc Mette went to the aid of Chris. No physical altercation took place among this group.
- Gothard headed toward Michael Mette, where he pushed Mike three times. After the third push, Michael punched Gothard in the face, knocking him to the ground. Gothard's head hit the cement, and he was unconscious.
- Michael Mette ran toward his brother to help the Nick-Chris situation. Nothing physical happened. The three turned around to see Gothard still lying on the ground, snoring. Gothard was immobilized with a neck brace, and was taken in an ambulance to the ER at Finley Hospital in Dubuque. His blood alcohol content was .270. His nose was broken, and his face was bruised in the area of his cheek, eye and jaw.
- Dr. Griffin determined that it was necessary to transfer Gothard to University Hospital in Iowa City for neurological evaluation, which could not be performed in Dubuque. Finley Hospital is a level two trauma facility, while University Hospital is a level one trauma facility with neurologists on staff.
- Gothard was released from the hospital on October 13, 2005.
- Judge Ackley found Michael Mette guilty of the offense of assault causing serious injury, a Class "D" felony. She sentenced him to five years in jail.

Michael Mette pled not guilty and argued that his actions were in self defense. The court found the Michael Mette was not the initial aggressor in the incident, and held that it was reasonable under the circumstances for Mette to believe that harm might come to any one of the individuals in the group. Nothing in the record shows that Michael Mette could safely get inside the apartment to avoid Jake and Nick. If he left the scene, he would be leaving the others in the group to risk injury from Nick and Jake. Mette was not in a position to cut and run. His one punch to Jake's jaw was a response by Mette to the risk of his own safety and the safety of his group.

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As you are aware, the self defense statute in Iowa states that a person is justified in the use of reasonable force when the person *reasonably believes that such force is necessary to defend oneself or another from any imminent use of unlawful force.* (704.3) In her ruling attached herein, Judge Monica Ackley stated, "The defendant (Mette) was not the initial aggressor of this incident. Nick and Jake (the victim) came at the group of six by (Mette's brother's house) in a threatening manner. *It was reasonable under the circumstances to believe that harm might come to any one of the individuals standing outside on the street.*" (Emphasis added). The judge admitted that the individual battered Mette "at least two times, maybe three." Nevertheless she found Mette guilty. This issue is one of a number of issues which will be presented to the Iowa Appellate Court for review.

The judge also erred in her ruling that Mette caused a "life threatening injury" as required by the statute. She ignored undisputed evidence which proved beyond any doubt that the injuries sustained were in fact not life threatening. Once again, this issue is up on appeal. Ackley found that Mike only punched Jake one time. The seriousness of the injury to Jake's head was caused by him falling back onto the concrete, at least in part because of his being intoxicated. Moreover, nothing in the records of Gothard's treatment in Iowa City would support a finding that Gothard was ever at serious risk of death. The doctor in Dubuque simply did not know how serious Jake Gothard's injuries were, so he was sent to Iowa City. Gothard was combative with the ambulance crew who were forced to put him in restraints. The hospital staff admitted that they were forced to put the "victim" into a coma because he was so combative and intoxicated that they worried he would vomit and choke. Jake Gothard was released from University of Iowa Hospital four days after he was admitted. No significant brain swelling occurred, and the swelling caused by the blow was determined to be insignificant. His nose was repositioned manually, and the cut on his nose was sutured. His jaw did not require treatment. Gothard had no surgeries to repair any of his injuries. On follow-up visit on November 1, 2005, a CT scan showed the brain contusion was resolved, and Jake Gothard was released to normal activity. There was no serious injury as he was out on the golf course shortly thereafter leading the University of Dubuque's golf team with the lowest score. He also continued partying. In April 2006, he was arrested and convicted for operating a motor vehicle while intoxicated after leaving the scene of a bar fight. A couple of months later, while still on probation from the previous conviction, Gothard was again arrested and convicted of operating a motor vehicle while intoxicated. He has also been cited for possession of alcohol while underage in February 2005. In September 2005, Jake was fined for being underage at a place where alcohol was sold. This does not support the claim that serious injury was evident, as required by the statute.

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This incident is entirely out of character for Michael Mette. He is a lifelong Chicago resident. He was born June 13, 1977. He graduated from Notre Dame High School in Niles, Illinois in 1995. Mike Mette graduated with a Bachelor of the Arts degree from Lewis University in 2001. He attended the Chicago Police Academy and received both a state and city certificate in February 2004. He has numerous honorable mentions from his job as a police officer with the Chicago Police Department. He participated in the Illinois Men's State baseball League, and the Niles Park District Softball League.

This case must be examined more closely. The verdict was inconsistent with the undisputed facts. The sentence of five years in prison is disproportionate to the crime. I respectfully request you grant a clemency hearing for Michael Mette.

On behalf of all the members of the Fraternal Order of Police, Chicago Lodge #7, I thank you for your attention to this most serious matter. If I can be of assistance in any way, please do not hesitate to contact me.

Respectfully,



Mark P. Donahue
President
Chicago Lodge #7

MPD/DH:mk